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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
TRACIE ANN DESARIO, L.P.N.	:	
License # 26NP04581800	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Tracie Ann Desario ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 22, 2014, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 - May 31, 2014. Respondent answered "yes" and certified that answer by submitting the online application.

3. On or about May 24, 2014, the Board sent a letter of inquiry to Respondent's mailing address in Vineland, New Jersey, via regular and certified mail, requesting certain documents, including proof of having completed the required continuing education.

4. Respondent provided a response to the letter of inquiry, but failed to provide proof of having completed any of the continuing education for the appropriate biennial renewal period. Respondent submitted a certificate of completion for a course that was taken in 2011, but the certificate does not include any contact hours or an indication that the course was approved or accredited as continuing education for nurses.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their

licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 - May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

DISCUSSION

A Provisional Order of Discipline (POD) was filed on June 15, 2015 based upon Ms. Desario's failure to complete and provide documentation of continuing education. The POD seeks a reprimand, \$250 civil penalty, and a suspension until Ms. Desario demonstrates completion of all required continuing education to date.

Ms. Desario responded to the POD and provided proof of completion of the following continuing education:

3.6 hours within June 1, 2008 - May 31, 2010;
0 hours within June 1, 2010 - May 31, 2012;
0 hours within June 1, 2012 - May 31, 2014; and
30 hours within June 1, 2014 - May 31, 2016.

The POD alleged a failure to timely complete continuing education within the June 1, 2012 - May 31, 2014 biennial period. Previous biennial periods are reflected above to capture Ms. Desario's response which included papers from 2009 - 2015, most of which is not acceptable proof of completion of continuing education courses. To gain credit for a course, the certificate of completion must include the number of contact hours awarded and must include language that the course was approved/accredited as continuing education for nurses.

Ms. Desario may apply the 30 hours of continuing education completed in August 2014 to cure the deficiency of the previous biennial period. She must complete an additional 30 hours of continuing education prior to May 31, 2016.

The Board was persuaded that the submitted documentation warrants modification of the POD by eliminating the suspension, but maintaining the \$250 civil penalty and the reprimand.

ACCORDINGLY, IT IS on this 22nd day of March, 2016,

ORDERED that:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

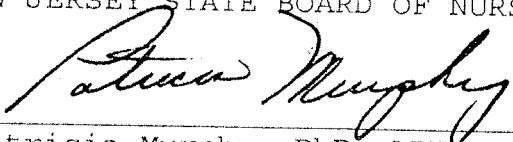
2. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent must complete an additional 30 hours of continuing education prior to May 31, 2016. Continuing education hours taken currently and applied to cure the

deficiency from a previous biennial period shall not also be used to satisfy the requirements of the current biennial period.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
Board President